

March 24, 1975

SENATOR SAVAGE: No, that was just a statement. I had an incident like that where a person turned in front of me and the police officer ticketed me for following too close and the court . . .

SENATOR DICKINSON: OK, this refers to a parked car, Senator Savage. This would not be applicable in that instance anyway.

CLERK: Motion on the desk Mr. President. I move to indefinitely postpone LB 209. Signed, Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, based on my prior comments I don't think anybody could consider this to have been a sneaky rear-action movement. I'm approaching it head-on.

PRESIDENT: Any further discussion? The question is shall 209 be indefinitely postponed. Record your vote. Have all of you voted? Record Mr. Clerk.

CLERK: 26 ayes, 9 nays, 14 not voting.

PRESIDENT: The bill is indefinitely postponed. LB 210.

CLERK: Read title.

PRESIDENT: Chair recognizes Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I move the adoption of the committee amendments to 210. LB 210 was introduced by Senator Dickinson, I think at the request of the same gentleman who requested the last bill. I believe that's correct, am I not Senator? When the Judiciary Committee took a look at this bill our first impression was that it was unconstitutional. Everybody that we talked to seemed to confirm that fact. We had some help from Mr. Dunlevey, the State Court Administrator, who worked with Mr. Dunning to draft some amendments which brought it more closely in line with what at least possibly be a constitutional approach to the problem of the prosecutor when he wants to have some kind of a writ of error as to what is going on in the lower court to the district court. He would have an opportunity to appeal whether or not it was a prosecutor or defense counsel in these cases. The amendments does that be referring specifically to Sections 29-104 and 29- . . . it makes the application for such a writ of error come pursuant to 29-2315.01 which is already a section dealing with writ of error, which is the only way you can make such a complaint on the district court level. So this is the route the Judiciary Committee took as to making it at least a bill which could be placed upon the floor for consideration. There was one other amendment which . . . there was one other amendment and that was that they would strike "in misdemeanor cases", which would have the title read "to provide for appeals or decisions in district court" so you don't just refer to misdemeanors. In other words, the way it read it would only refer to misdemeanors and you couldn't do that either. That was merely to clear up the title to the bill. I would prefer to have Senator Dickinson explain what the primary objective of the bill was. In order to make the primary objective be workable we had to have these amendments.